

Message

From: Kupchan, Simma [Kupchan.Simma@epa.gov]
Sent: 4/22/2020 1:28:15 PM
To: Wade, Alexis [Wade.Alexis@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]
CC: Neugeboren, Steven [Neugeboren.Steven@epa.gov]
Subject: RE: DF_Draft FR notice re assumption and ESA DF Review.docx

I don't have it. We can coordinate with Tod Siegal about this. I have a brief he worked on **Ex. 5 Attorney Client (AC)**

Ex. 5 Attorney Client (AC)

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Wade, Alexis <Wade.Alexis@epa.gov>
Sent: Wednesday, April 22, 2020 8:51 AM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: DF_Draft FR notice re assumption and ESA DF Review.docx

Ex. 5 Attorney Client (AC)

Alexis Wade
Attorney-Adviser
Water Law Office
EPA Office of General Counsel
(202) 564-3273

From: Wehling, Carrie <Wehling.Carrie@epa.gov>
Sent: Wednesday, April 22, 2020 8:41 AM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: FW: DF_Draft FR notice re assumption and ESA DF Review.docx

Fyi. Notice the followup legal issue John alludes to below....

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Goodin, John <Goodin.John@epa.gov>
Sent: Wednesday, April 22, 2020 8:34 AM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Cc: Frazer, Brian <Frazer.Brian@epa.gov>; Shimkin, Martha <Shimkin.Martha@epa.gov>; Santell, Stephanie <Santell.Stephanie@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
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DELIBERATIVE

Folks—we can move forward as Dave notes below. Would you coordinate with OGC and the Region on Dave's several asks? I'll acknowledge we'll do that when I open with Dave at our 1015a.

Thanks!

John

From: Ross, David P <ross.davidp@epa.gov>
Sent: Wednesday, April 22, 2020 8:23 AM
To: Goodin, John <Goodin.John@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Aguirre, Janita <Aguirre.Janita@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>
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Ex. 5 AC/DP

Regards,

Dave

From: Ross, David P
Sent: Wednesday, April 22, 2020 7:21 AM
To: Goodin, John <Goodin.John@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Cc: Aguirre, Janita <Aguirre.Janita@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>
Subject: DF_Draft FR notice re assumption and ESA DF Review.docx

Confidential; Deliberative; Attorney-Client Communication

John and David,

Nice job to the team on this. Please move forward to FR publication. I've attached a few edits, but please have Macara's shop to the FRN scrub as well. I assume the team has confirmed with FDEP that they are good with putting their white paper in the docket, but please confirm.

Also, thanks for the update email on 4/9. Two things in there. When the team receives the draft BA, please talk to me and Mary before we initiate the deep dive review. I have been spending time getting briefed by Interior/FWS on their process

Ex. 5 AC/DP

Of the issues raised in your email, I'd like to discuss

Ex. 5 Deliberative Process (DP)

Thanks.

Dave